

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-365-BO
No. 5:09-CV-375-FL

ARKALGUD N. LAKSHMINARASIMHA,)
)
Plaintiff,)
v.)
)
UNITED STATES OF AMERICA,)
)
Defendant.)

ORDER

On September 24, 2015, Arkalgud N. Lakshminarasimha filed a motion for relief under Rule 60(b) of the Federal Rules of Civil Procedure concerning case numbers 5:09-CV-375-FL, and 5:11-CV-365-BO.


Rule 60(b) authorizes the court to “relieve a party . . . from a final judgment, order, or proceeding for . . . (1) mistake, inadvertence, surprise, or excusable neglect . . . [or] (6) any other reason that justifies relief.” Fed. R. Civ. P. 60(b)(1), (6). Under Rule 60(b), a movant first must demonstrate that his motion is timely, that he has a meritorious claim or defense, that the opposing party will not suffer unfair prejudice from setting aside the judgment, and that exceptional circumstances warrant the relief. See, e.g., Robinson v. Wix Filtration Corp. LLC, 599 F.3d 403, 412 n.12 (4th Cir. 2010); Nat’l Credit Union Admin. Bd. v. Gray, 1 F.3d 262, 264 (4th Cir. 1993). If a movant satisfies these threshold conditions, he must then “satisfy one of the six enumerated grounds for relief under Rule 60(b).” Gray, 1 F.3d at 266.

Lakshminarasimha’s Rule 60(b) motion fails because he not demonstrated that he has a meritorious claim. Moreover, Lakshminarasimha has failed to plausibly allege that the defendant

will not be prejudiced or that exceptional circumstances warrant relief. Thus, Lakshminarasimha's Rule 60(b) motion fails.

In sum, the court DENIES Lakshminarasimha Rule 60(b) motion.

SO ORDERED. This 1 day of October 2015.


TERRENCE W. BOYLE
United States District Judge